

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the matter of ) DOCKET NO. 2009-0108  
)  
PUBLIC UTILITIES COMMISSION )  
)  
Instituting Proceedings to )  
Investigate Proposed Amendments To )  
the Framework for Integrated )  
Resource Planning. )  
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FILED  
2009 JUN - 1 A 10:57  
PUBLIC UTILITIES  
COMMISSION

COUNTY OF MAUI'S MOTION TO INTERVENE IN THE  
PUBLIC UTILITIES COMMISSION'S DOCKET NO. 2009-0108,  
INSTITUTING A PROCEEDING TO INVESTIGATE  
DISTRIBUTED GENERATION IN HAWAII

CERTIFICATE OF SERVICE

DEPARTMENT OF THE CORPORATION COUNSEL 205

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COUNTY OF MAUI

BEFORE THE PUBLIC UTILITIES COMMISSION  
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COUNTY OF MAUI'S MOTION FOR INTERVENTION

The COUNTY OF MAUI ("COUNTY") by and through its attorneys BRIAN T. MOTO, Corporation Counsel, and MICHAEL J. HOPPER, Deputy Corporation Counsel, hereby moves for intervention in Docket No. 2009-0108, instituting proceedings to investigate proposed amendments to the framework for Integrated Resource Planning. No hearing is requested on this motion.

In support of its Motion, the COUNTY represents and asserts it meets the requirements for intervention, consistent with title 6, section 61-55(b), Hawaii Administrative Rules, as follows:

1. THE NATURE OF THE COUNTY'S STATUTORY OR OTHER RIGHT TO PARTICIPATE IN THE HEARING

The nature of the COUNTY'S statutory right to intervene is provided by the Hawaii Revised Statutes ("HRS") Section 46-1.5, which states that the COUNTY has the power to:

(7)...exercise regulatory powers over business activity as are assigned to them by chapter 445 or other general law.

(13)...enact ordinances deemed necessary to protect health, life, and property, and preserve the order and security of the county and its inhabitants.

(19)(A)...[c]onstruct, purchase, take on lease, lease, sublease, or in any other manner acquire, manage, maintain, or dispose of buildings for county purposes, sewer, sewer systems, pumping stations, waterworks, including reservoirs, wells, pipelines, and other conduits for distributing water to the public, lighting plants, and apparatus and appliances for lighting streets and public buildings, and manage, regulate, and control the same;

(19)(B)...[r]egulate and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephone, and telecommunications service to the county.

As previously discussed herein, the nature and extent of the COUNTY'S interests are statutorily mandated. Further, the COUNTY'S interest is that the development of a fair and sound integrated resource plan for electric utilities will directly benefit every member of the general public.

2. THE NATURE AND EXTENT OF THE COUNTY'S PROPERTY, FINANCIAL, AND OTHER INTERESTS IN THE PENDING MATTER

The COUNTY is a major consumer of utility electricity. In calendar year 2008, all county facilities expended over \$29,500,000 for electric utility costs. As such, the COUNTY has a vested interest in the integrated resource planning process that will look at both supply-side and demand-side resources. Since the ultimate objective of the investigation docket is the development of an integrated resource plan applicable to the energy utilities of the State of Hawaii and the County of Maui, any order issued by the Commission in this docket will directly affect the COUNTY'S

obligation to promote the general welfare of the people of Maui County.

3. THE EFFECT OF THE PENDING ORDER AS TO THE COUNTY'S INTERESTS

As previously mentioned, the pending order will affect the COUNTY'S interests as a major consumer of electric utility services. Furthermore, the pending order will affect the COUNTY'S interests to promote the general welfare of the people of Maui County.

4. THE OTHER MEANS AVAILABLE WHEREBY THE COUNTY'S INTEREST MAY BE PROTECTED

There are no other means available whereby the County's interests and concerns regarding the framework for integrated resource planning may come before the Commission. None of the parties known to the COUNTY have the same interests as the COUNTY as the governing entity for Maui County and its citizens.

5. THE EXTENT TO WHICH THE COUNTY'S INTEREST WILL NOT BE REPRESENTED BY OTHER PARTIES

None of the parties known to the COUNTY have the same interests as the COUNTY as a large consumer and as the governing entity of the public affairs of Maui County. The utilities have interests as producers and sellers of power to customers such as the COUNTY. The Consumer Advocate's emphasis is to ensure reasonably priced, reliably-delivered electric power to consumers, generally, and to residential consumers, in particular. No other party to this proceeding has the comprehensive interests of the COUNTY, which has the responsibility for the public welfare and for commerce in Maui County. There are no other means available

whereby the COUNTY's interests and concerns may come before the Commission.

6. THE EXTENT TO WHICH THE COUNTY'S PARTICIPATION CAN ASSIST IN THE DEVELOPMENT OF A SOUND RECORD

The COUNTY'S participation will assist in the development of a sound record. As specific issues are discussed, the COUNTY can clarify how the integrated resource planning process is consistent with the COUNTY'S planning, environmental, economic development, and regulatory policies, and with Maui County's unique multi-island situation.

The COUNTY'S participation will also assist in the development of a sound record by providing a comprehensive perspective on the integrated resource planning process. The COUNTY'S comprehensive perspective is a result of participating in various dockets and forums related to the integrated resource planning process. The COUNTY was an intervenor in Docket No. 6617, which established the original framework for integrated resource planning. The COUNTY has subsequently participated in all integrated resource planning activities by Maui Electric Company, including but not limited to participating in the advisory groups for all planning cycles and participating in the statewide externalities advisory group. Furthermore, the COUNTY was also a party in Commission dockets related to the integrated resource planning process, including Docket No. 94-0226 related to investigating renewable energy, Docket No. 03-0371 related to distributed generation, Docket No.

05-0069 related to demand-side management, and Docket No. 2007-0176 related to intragovernmental wheeling.

7. THE EXTENT TO WHICH THE COUNTY'S PARTICIPATION WILL NOT BROADEN THE ISSUES OR DELAY THE PROCEEDING

The COUNTY'S participation will contribute to the development of a sound framework for integrated resource planning and will not broaden the issues or delay the proceeding.

8. THE EXTENT TO WHICH THE COUNTY'S INTEREST IN THE PROCEEDING DIFFERS FROM THAT OF THE GENERAL PUBLIC

The COUNTY'S interest in the proceeding is different than that of the general public because the COUNTY has the unique responsibility for the public welfare and for commerce in Maui County.

9. WHETHER THE COUNTY'S POSITION IS IN SUPPORT OF OR IN OPPOSITION TO THE RELIEF SOUGHT

The County supports amendments to the framework for integrated resource planning that will benefit the citizens of Maui County.

For the foregoing reasons, the COUNTY respectfully requests the Commission grant the COUNTY intervenor status in Docket No. 2009-0108.

DATED: Wailuku, Maui, Hawaii, May 29, 2009.

BRIAN T. MOTO  
Corporation Counsel  
Attorney for Intervenor  
County of Maui

By

  
MICHAEL J. HOPPER  
Deputy Corporation Counsel

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were duly served upon the following by United States mail, postage prepaid, on May 29, 2009, addressed as follows:

CATHERINE P. AWAKUNI EXECUTIVE DIRECTOR Department of Commerce and Consumer Affairs Division of Consumer Advocacy P.O. Box 541 Honolulu, Hawaii 96809	2 copies
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Counsel for THE GAS COMPANY, LLC

DATED: Wailuku, Maui, Hawaii, May 29, 2009.

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May 29, 2009

The Honorable Carlito Caliboso, Chairman  
and Members of the Public Utilities Commission  
465 South King Street  
Kekuanaoa Building, 1<sup>st</sup> Floor  
Honolulu, HI 96813

Re: Docket No. 2009-0108, Instituting a Proceeding to  
Investigate Distributed Generation in Hawaii

County of Maui's Motion to Intervene

Dear Chairman Caliboso and Members of the Commission:

Enclosed please find the original and ten copies of above motion. Please return the two (2) additional file-marked copies to this office. A self-addressed, stamped envelope is enclosed for your convenience.

If you have any questions, please do not hesitate to contact me.

Sincerely,



MICHAEL J. HOPPER  
Deputy Corporation Counsel

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Enclosures

PUBLIC UTILITIES  
COMMISSION

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